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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,653	05/04/2001	Katsuakira Moriwake	450108-4484.1	9010
20999 7590 09/17/2008 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL.. NEW YORK, NY 10151				
EXAMINER MUHEBBULLAH, SAJEDA				
ART UNIT		PAPER NUMBER		
2174				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/849,653

Applicant(s)

MORIWAKE ET AL.

Examiner

SAJEDA MUHEBBULLAH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 143-148 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 143-148 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date 02/07/08, 08/15/08
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to Amendment filed 07/02/2008.
2. Claims 143-148 are pending in this application. Claims 143 and 146 are independent claims and have been amended. This action is made Final.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 143-148 are rejected under 35 U.S.C. 103(a) as being unpatentable over McKay et al. ("MacKay", US 5,148,154) in view of Takahashi et al. ("Takahashi" US 5,537,528) and Cain et al. ("Cain", US 5,487,141), and further in view of Schmitz et al. ("Schmitz", US 5,544,318).

As per claim 143, MacKay teaches an editing system for editing a plurality of clips, comprising:

editing means for editing said plurality of clips to produce said edit resultant clip (col.4, lines 60-66), comprising:

an edit module for edit processing said plurality of clips (col.4, lines 60-66);

a composite module for composite processing said plurality of clips (col.4, lines 60-66);

and

a special effect module for special effect processing said plurality of clips (col.4, lines 60-66);

wherein said editing means produces module identification information indicating the processing to be performed on said plurality of clips by said edit module, said composite module, and said special effect module in producing said edit resultant clip (col.11, lines 27-38); and

user interface means for displaying and controlling graphical user interfaces corresponding to processing performed by said edit module, said composite processing module, and said special effect module (col.13, lines 1-10).

However, MacKay does not teach link information indicating a tree structure for linking said plurality of clips in producing said edit resultant clip and a clip tree window for graphically displaying on the same display said tree structure for said plurality of clips and a time line window for display and placement of clips to be edited on a time axis to designate the content of the edit resultant clip wherein the editing system assigns a clip name for each clip in said tree structure, the clip name comprised of an attribute indicating whether the clip is a material clip or a resultant clip and a clip identification code, wherein in the graphical user interface displays the clip name of the clip being edited by the edit module surrounded by a frame with a line bolder than a line of a frame surrounding a clip name of a clip that is not being edited by the edit module, and wherein the graphical user interface displays each edit resultant clip in the tree structure corresponding to the clip being edited surrounded by a frame with a line bolder than the line of a frame surrounding an edit resultant clip not corresponding to the clip being edited.

Takahashi teaches an editing system for editing clips that graphically represents the clips in a tree structure for linking the clips together and a time line window on the same display for

editing clips (Takahashi, col.2, lines 6-67; Fig.16, col.14, lines 37-51; col.15, lines 47-51). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Takahashi's teaching with MacKay's system in order to provide access to clips for easier and faster editing.

Although Takahashi teaches a clip tree window (Fig.16), the system of MacKay and Takahashi does not explicitly teach wherein the editing system assigns a clip name for each clip in said tree structure, the clip name comprised of an attribute indicating whether the clip is a material clip or a resultant clip and a clip identification code, wherein in the graphical user interface displays the clip name of the clip being edited by the edit module surrounded by a frame with a line bolder than a line of a frame surrounding a clip name of a clip that is not being edited by the edit module, and wherein the graphical user interface displays each edit resultant clip in the tree structure corresponding to the clip being edited surrounded by a frame with a line bolder than the line of a frame surrounding an edit resultant clip not corresponding to the clip being edited.

Cain teaches a system of displaying information in a hierarchical tree window wherein the system assigns the node names indicating the attribute type of information contained within the tree node along with an identification code (Cain, Fig.5A-F, col.17, lines 1-10; col.19, lines 32-37). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Cain's teaching with the system of MacKay and Takahashi in order for the user to identify and distinguish the clips from one another.

Furthermore, the system of MacKay, Takahashi, and Cain does not explicitly teach wherein in the graphical user interface displays the clip name of the clip being edited by the edit

module surrounded by a frame with a line bolder than a line of a frame surrounding a clip name of a clip that is not being edited by the edit module and wherein the graphical user interface displays each edit resultant clip in the tree structure corresponding to the clip being edited surrounded by a frame with a line bolder than the line of a frame surrounding an edit resultant clip not corresponding to the clip being edited. Schmitz teaches a video editing system wherein frames being edited are displayed with a line bolder than the other frames (Schmitz, col.13, lines 7-12). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Schmitz's teaching with the system of MacKay, Takahashi, and Cain in order to readily determine which frames are currently being edited.

As per claim 144, Takahashi teaches an editing system wherein said module identification information and link information are stored in a clip database in which information relating to each of said plurality of clips is registered (Takahashi, col.8, lines 38-42).

As per claim 145, Takahashi teaches the current clip to be edited from said clip tree window to be graphically designated in said clip tree window (Fig.16, col.14, lines 37-51).

Independent claim 146 is similar in scope to independent claim 143, and is therefore rejected under similar rationale.

Claim 147 is similar in scope to claim 144, and is therefore rejected under similar rationale.

Claim 148 is similar in scope to claim 145, and is therefore rejected under similar rationale.

Response to Arguments

5. Applicant's arguments filed 07/02/2008 have been fully considered but they are not persuasive.

Applicant argued Schmitz does not disclose linking a clip being edited to each edit resultant clips that is affected by that edited clip.

The Examiner disagrees because in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Communications

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is **(571) 272-4065**. The examiner can normally be reached on Tuesday/Thursday and alt. Mondays from 8:30 am to 5:00 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124.

The fax number for the organization where this application or proceeding is assigned are as follows:

(571) 273-8300 [After Final Communication]

(571) 273-8300 [Official Communication]

(571) 273-8300 [For status inquiries, Draft Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Sajeda Muhebbullah

Patent Examiner

Art Unit 2174

/S. M./

/Stephen S. Hong/

Supervisory Patent Examiner, Art Unit 2178